



PERSONAL LEAVE OF ABSENCE

Personal leaves of absence are legally required in the following situations:

1. **Family Leave**

Employers with fifty (50) or more employees in the State of California must provide unpaid time off to employees to care for a seriously ill parent, spouse or child. Employees are entitled to not more than four (4) months of family leave every twenty-four (24) months. This leave does not have to be compensated and does not have to be taken in consecutive days or weeks. It is not necessary to grant family leave to a parent for the care of a child, if the other parent is already on family care leave or is unemployed and available to care for the child.

Family care leave for the birth of a child may be taken in addition to the pregnancy disability leave. Employees who have taken the maximum four (4) months of pregnancy disability leave required by law are only entitled to up to an additional one (1) month of family leave when it is taken in conjunction with the pregnancy disability leave. If less than the maximum four (4) months of pregnancy disability leave is taken, an employee may be entitled to a full four (4) months of family care leave in addition to the pregnancy disability leave.

Additional information can be obtained by writing the Department of Fair Employment and Housing, 2014 "I" Street, Suite 210, Sacramento, California 94814.

2. **Sick Leave**

An employer who provides sick leave for employees must permit an employee to use accrued sick leave to attend to a child, parent or spouse who is ill (the employee is entitled to use not less than the amount of sick leave the employee would accrue in 6 months, per calendar year). Conditions placed on sick leave usage for use by an employee also applies to sick leave used to care for a sick child, parent or spouse. (Labor Code § 233)

3. **Jury Duty**

An employer may not discriminate against an employee for taking time off to serve as a juror at an inquest or trial or when the employee is a victim of a crime and is required to appear as a witness. An employer may not discriminate against an employee for taking time off to obtain relief as a result of domestic violence. The employee must give reasonable notice to the employer. It is not a requirement to compensate employees for time off to serve on juries or to appear as a witness. (Labor Code § 230)

4. **Emergency Duty As A Volunteer Firefighter, Reserve Police Officer, or Emergency Rescue Personnel**

All employers must provide leaves of absence for employees who are required to perform emergency duty as a volunteer firefighter, a reserve police officer, or an emergency rescue personnel. It is not a requirement that the employee be compensated during time off to perform the duties of an emergency volunteer fire fighter, reserve police officer or emergency rescue personnel duties. (Labor Code § 230.3)

5. **Time Off To Visit The School of a Child**

Employers with twenty-five (25) or more employees working at the same location, must allow a parent, grandparent or guardian to take up to forty (40) hours off per year to participate in activities at his or her child's school, including a day care facility. The employee must give reasonable notice to the employer. Employees must first utilize existing vacation, personal leave or compensatory time off for this purpose. The time off to visit school is not required to be compensated. (Labor Code § 230.8)

6. **Time Off To Appear At School When Required By The School**

All employers must allow a parent, grandparent or guardian of a pupil to appear at the school when the school has given advance notice. It is not a requirement that the employee be compensated for the time. The employee is required to give reasonable notice to the employer. (Labor Code § 230.7)

7. **Time Off To Vote**

If a voter does not have sufficient time to vote outside of working hours, he or she may take off time to vote at the beginning or the end of the shift, whichever provides the most free time to vote. The employees may take off no more than two hours without loss of pay, providing he or she has given at least two working days' notice that time off is desired. (Elections Code § 14000)

8. **Drug and/or Alcohol Rehabilitation**

Employers with twenty-five (25) or more employees must reasonably accommodate an employee's voluntary participation in an alcohol and/or drug rehabilitation program, provided that this reasonable accommodation does not impose an undue hardship on the employer. An employer must also make reasonable efforts to safeguard an employee's privacy with regard to his or her enrollment in a rehabilitation program. An employer may refuse to hire or may discharge an employee because of the employee's current use of alcohol and/or drugs, or because the employee is unable to perform his or her duties, or cannot perform the duties in a manner which would not endanger his or her health and safety, or the health and safety of others. (Labor Code § 1025, et seq.)

9. **Literacy Assistance**

Employers with twenty-five (25) or more employees must reasonably accommodate and assist any employee who reveals a literacy problem and requests employer assistance either in enrolling in a literacy program or in arranging visits of an instructor to the job site, provided such accommodation does not pose an undue hardship on the employer. In addition, the employer must make reasonable efforts to safeguard the employee's privacy with regard to a literacy problem. An employee who satisfactorily performs his or her duties may not be discharged for disclosing a literacy program. (Labor Code § 1041, et seq.)

10. **Temporary Military Leave And/Or Reserve Duty**

Any employee who is a member of the reserve corps of the armed forces of the United States, the National Guard or the National Militia is entitled to a temporary leave while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, special duty or like activity. (Military and Veterans Code §§ 394, 394.5)